

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 12th day of August 2004, at 8:00 P.M., and there were

PRESENT: JEFFREY LEHRBACH, CHAIRMAN
 JOHN ABRAHAM, JR. MEMBER
 ANTHONY ESPOSITO, MEMBER
 WILLIAM MARYNIEWSKI, MEMBER
 RICHARD QUINN, MEMBER
 ARLIE SCHWAN, MEMBER
 ROBERT THILL, MEMBER

ABSENT: NONE

ALSO PRESENT: MARY ANN PERRELLO, DEPUTY TOWN CLERK
 JOHN DUDZIAK, DEPUTY TOWN ATTORNEY
 GEORGE PEASE, ASSISTANT BUILDING INSPECTOR

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

PETITION OF BRIAN & ROBYN DRAVES:

THE CASE TO BE CONSIDERED BY THE Zoning Board of Appeals was that of the petition of Brian and Robyn Draves, 11 Ann Marie Drive, Lancaster, New York 14086 for one [1] variance for the purpose of permitting a storage shed to remain as constructed on premises owned by the petitioners at 11 Ann Marie Drive, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 10.D.(2) of the Code of the Town of Lancaster. The height of the accessory structure is sixteen feet, six inches [16',6"].

Chapter 50, Zoning, Section 10.D.(2) of the Code of the Town of Lancaster limits the height of accessory structures to sixteen [16] feet. The petitioner, therefore, requests a six inch [6"] height variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Robyn Draves, Petitioner
11 Ann Marie Drive
Lancaster, New York 14086

Proponent

IN THE MATTER OF THE PETITION OF BRIAN & ROBYN DRAVES

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. LEHRBACH, WHO MOVED ITS
ADOPTION, SECONDED BY
MR. THILL, TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Brian & Robyn Draves and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 12th day of August 2004, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That the applicants are the present owners of the premises in question.

That the property for which the applicants are petitioning is within a Residential District 1, (R1) as shown on the Zoning Map of the Town of Lancaster.

That the use sought is a permitted use appearing in the Residential District 1, (R1) as specified in Chapter 50 of the Code of the Town of Lancaster.

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is not self created and should not preclude the granting of the area variance relief sought.

That the applicant has obtained signatures from neighbors surrounding her property on Ann Marie Drive indicating no objections to the granting of this variance.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby
GRANTED.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ABRAHAM	VOTED YES
MR. ESPOSITO	VOTED YES
MR. MARYNIEWSKI	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED.**

August 12, 2004

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was
adjourned at 8:15 P.M.

Signed Mary Ann Perrello
Mary Ann Perrello, Deputy Town Clerk
Dated: August 12, 2004